IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 97 OF 1998

The Commissioner of Income-tax. ... Applicant.
V/s.
Rathi Engineering Works, Pune. ... Respondent.

Ashok Kotangale with Parag Vyas for the applicant.

P.V.Vaidya with S.N.Inamdar for the respondents.

CORAM : V.C.DAGA AND J.P.DEVADHAR, JJ.

DATED : 4th October 2005.

P.C. :

. By this reference under section 256(1) of the Income-tax Act, 1961, the Income Tax Appellate Tribunal has referred the following questions of law for the opinion of this Court:

> "Whether, on the facts and in the circumstances of the case, the Tribunal was right and justified in law in coming to the conclusion that the word 'turnover' for the purpose of computation of deduction u/s.80HCC should exclude the amount of sales-tax and Excise Duty?"

. Learned counsel for the parties agreed that in view of the decision of this Court in the case of **C.I.T. v. Sudarshan Chemicals Industries Ltd.**, (2000) 245 ITR 769, question referred to us has to be answered in the affirmative i.e. in favour of the assessee and against the revenue.

. Reference stands disposed of with no order as to costs.

(J.P.DEVADHAR, J.) **(V.C.DAGA, J.)**